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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 CHESTER DUDA,

9 *Petitioner,*

10 vs.

11 D. NEVEN, *et al.,*

12 *Respondents.*  
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2:16-cv-01176-JCM-CWH

ORDER

15 This habeas matter under 28 U.S.C. § 2254 comes before the court on petitioner's  
16 motion (ECF No. 8) to submit additional claims.

17 The motion will be denied without prejudice. In order to seek to present additional  
18 claims, petitioner must file a motion for leave to file an amended petition that is accompanied  
19 by the proposed amended petition. The court will allow petitioner an opportunity to do so  
20 within the time allowed by this order, and the court will extend respondents' current response  
21 deadline accordingly. All claims, old and new, must be presented in any such proposed  
22 amended petition. Piecemeal pleadings are not permitted.

23 IT THEREFORE IS ORDERED that petitioner's motion (ECF No. 8) to submit  
24 additional claims is DENIED without prejudice to the presentation of a proper motion for leave  
25 to amend filed within the time period allowed by this order.

26 IT FURTHER IS ORDERED that petitioner shall have **sixty (60) days** from entry of this  
27 order within which to mail to the clerk for filing a motion for leave to amend the petition  
28 accompanied by the proposed amended petition.

1 IT FURTHER IS ORDERED that respondents' deadline for responding to the original  
2 petition is extended to **one hundred twenty (120) days** from entry of this order, but said  
3 deadline will be automatically vacated without the necessity of a further court order if  
4 petitioner timely dispatches a motion for leave to amend, with the deadline then to be reset  
5 by the court following a ruling on the motion.

6 IT FURTHER IS ORDERED that petitioner shall use the court's required Section 2254  
7 petition form for any proposed amended petition presented and that he shall clearly title the  
8 proposed amended petition as an amended petition by placing the word "AMENDED"  
9 immediately above "Petition for a Writ of Habeas Corpus" on page 1 in the caption and shall  
10 place the docket number, **2:16-cv-01176-JCM-CWH**, above the word "AMENDED." Under  
11 local rule LR 15-1, the proposed amended petition must be complete in itself without  
12 reference to previously filed papers. Thus, the claims and allegations that are stated in the  
13 proposed amended petition will be the only matters remaining before the court if leave to  
14 amend is granted. Any claims or allegations that are omitted from the proposed amended  
15 petition and that are not re-alleged therein no longer will be before the court if leave to amend  
16 is granted.

17 The clerk of court shall SEND petitioner: (a) two copies of a noncapital Section 2254  
18 petition form with one copy of the instructions for the form; and (b) one copy of the original  
19 petition with attached papers (*i.e.*, ECF No. 4) that he submitted.

20 DATED: November 22, 2016.

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24 JAMES C. MAHAN  
United States District Judge  
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